

1 (D) Oversee the acquisition and construction of all components of the
2 project, with the authority to review and retain copies of all permits and
3 applications for permits, invoices, and receipts related to the project.

4 (E) Have the authority to make unlimited, unscheduled inspections of
5 the project worksite. Their assessment of the efficiency project's progress and
6 their analysis as to whether the project will be completed by October 1, 2025
7 shall be included in the quarterly reports.

8 (4) If the contract and certification required under subdivision (2) of this
9 subsection are not submitted to the Commission and Department on or before
10 July 1, 2023 or if the certification required under subdivision (3) is not
11 submitted to the Commission and Department on or before October 1, 2024
12 2025, then the obligation under this section for each Vermont retail electricity
13 provider to purchase a pro rata share of the baseload renewable power portfolio
14 requirement shall cease on November 1, ~~2024~~ 2025, and the Commission is not
15 required to conduct the rate determination provided for in subsection (d) of this
16 section.

17 (5) On or before September 1, ~~2025~~ 2026, the Department shall
18 investigate and submit a recommendation to the Commission on whether the
19 plant has achieved the requirement of subdivision (1) of this subsection. If the
20 Department recommends that the plant has not achieved the requirement of
21 subdivision (1) of this subsection, the obligation under this section shall cease

1 on November 1, ~~2025~~ 2026, and the Commission is not required to conduct the
2 rate determination provided for in subsection (d) of this section.

3 (6) After November 1, ~~2026~~ 2027, the owner of the plant shall report
4 annually to the Department and the Department shall verify the overall
5 efficiency of the plant for the prior 12-month period. If the overall efficiency
6 of the plant falls below the requirement of subdivision (1) of this subsection,
7 the report shall include a plan to return the plant to the required efficiency
8 within one year.

9 (7) If, after implementing the plan in subdivision (6) of this subsection,
10 the owner of the plant does not achieve the efficiency required in subdivision
11 (1) of this subsection, the Department shall request that the Commission
12 commence a proceeding to terminate the obligation under this section.

13 (8) The Department may retain research, scientific, or engineering
14 services to assist it in making the recommendation required under subdivision
15 (5) of this subsection and in reviewing the information required under
16 subdivision (6) of this subsection and may allocate the expense incurred or
17 authorized by it to the plant's owner.

18 (9) If at any time the plant does not comply with the requirements of this
19 subsection and the Commission decides not to conduct the rate determination
20 provided for in subsection (d) of this section and the obligation under this
21 section ceases, the plant owner may apply to the Commission to reestablish the

1 obligation under this section. The Commission shall approve the application if
2 the plant owner demonstrates that the plant's overall efficiency has increased
3 50 percent relative to the 12-month period preceding July 1, 2022 and that the
4 plant has an operational facility at the plant that utilizes the excess thermal heat
5 generated at the plant for a beneficial purpose. The Commission shall then
6 conduct the rate determination provided for in subsection (d) of this section,
7 and the obligation under subsection (f) of this section shall begin and last for
8 10 years following the rate determination.